

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Thursday, April 9, 2020 – 5:00 PM
Video Conference

Members Present:

Chantal M. Galloway, Chair
Tara Armijo-Prewitt
Dr. William Kass
Doug Mitchell
Eric Nixon
Eric Olivas
Cathryn Starr
Leonard Waites

Members Absent:

Others Present:

Edward Harness, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Tina Gooch, Atty
Esteban Aguilar Jr, City Atty
Robyn Rose, Asst. City

Attendance: In response to the Governor's declaration of a Public Health Emergency and ban on large public gatherings, the Civilian Police Oversight (CPOA) Board meeting on Thursday, April 9 at 5:00pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at:

<https://www.cabq.gov/culturalservices/govtv>, or on YouTube at:

https://www.cabq.gov/cpoa/events/copy3_of_cpoa-board-meeting. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help Members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 pm, Monday, April 6, 2020 at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 pm on Thursday, April 9, 2020. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board Members for review.

Meeting Minutes

- I. Welcome and call to order.** Chair Galloway called to order the regular meeting of the Civilian Police Oversight Agency Board at 5:00 p.m.
- II. Mission Statement.** Chair Galloway read the Civilian Police Oversight Agency Board's mission statement.
- III. Approval of the Agenda**
 - a. Motion.** Motion by Chair Galloway to approve the agenda as drafted. Motion passed.

Public Comment

- b. None**
- IV. Review and Approval of Minutes.** For more information about minutes from prior CPOA Board meetings, please visit our website here:
<http://www.cabq.gov/cpoa/police-oversight-board/pob-agenda-meeting-minutes>
 - a. Approval of Minutes from February 13, 2020**
 - 1.** Copies of the draft minutes from the February 13, 2020 Civilian Police Oversight Agency Board meeting were electronically distributed to each Member in their packets.
 - 2. Motion.** Motion by Member Waites to approve the minutes as drafted. Roll call vote taken. Motion passed.
- V. Reports from City Staff**
 - a. City Council**
 - 1. City Council Representative – Julian Moya** submitted his report. (See attached)
 - b. Mayor's Office**
 - 1. City Attorney – Esteban Aguilar Jr.** presented his report.
 - c. City Attorney**
 - 1. Assistant City Attorney – Robyn Rose** presented her report.
 - d. CPC**
 - 1.** There was no report.
 - e. APOA**
 - 1.** There was no report.

f. APD

1. APD Internal Affairs-Professional Standards submitted Statistical Data reports for the months of February 2020 and March 2020. (See attached)
2. APD Internal Affairs-Force Division submitted Statistical Data reports for the months of February 2020 and March 2020. (See attached)

g. CPOA – *Edward Harness, Executive Director*

1. Edward Harness presented his report.

VI. Reports from Subcommittees

a. Community Outreach Subcommittee – *Chantal Galloway*

1. Met February 25, 2020 at 5:00pm
2. No meeting was held in March
3. Next meeting April 28, 2020

b. Policy and Procedure Review Subcommittee – *Dr. William Kass*

1. Video Conference April 7, 2020 at 4:00pm
2. Next meeting May 7, 2020 at 4:30pm

c. Case Review Subcommittee – *Chantal Galloway*

1. Met February 27, 2020 at 4:30pm
2. No meeting was held in March
3. Next meeting TBD

d. Personnel Subcommittee – *Eric Olivas*

1. Met February 26, 2020 at 9:00am
2. No meeting was held in March
3. Next meeting April 30, 2020 at 9:00am

VII. Discussion and Possible Action

a. Election of New CPOA Board Chair and Vice-Chair

1. **Chairperson Election.** Chair Galloway nominated Dr. William Kass to be the next chairperson of the Board. There were no other nominations. Roll call vote taken. Motion passed. Dr. William Kass was elected as the Board Chair by unanimous consent.
2. **Vice-Chair Election.** Chair Galloway nominated Eric Olivas to be the next Vice-Chair of the Board. There were no other nominations. Roll call vote taken. Motion passed. Eric Olivas was elected as the Board Vice-Chair by unanimous consent.

b. Election of New Subcommittee Chairs

1. **Outreach Chair Election.** Member Waites nominated Chantal Galloway to be the Chairperson of the Outreach Subcommittee. Roll call vote taken. Motion passed. Chantal Galloway was elected as the Chair of the Outreach Subcommittee by unanimous consent.

2. Policy and Procedure Chair Election. Chair Galloway nominated Dr. William Kass to be the Chairperson of the Policy and Procedure Subcommittee. Roll call vote taken. Motion passed. Dr. William Kass was elected as the Chair of the Policy and Procedure Subcommittee by unanimous consent.

3. Case Review Chair Election. Chair Galloway nominated Leonard Waites to be the Chairperson of the Case Review Subcommittee. Roll call vote taken. Motion passed. Leonard Waites was elected as the Chair of the Case Review Subcommittee by unanimous cosent.

4. Personnel Chair Election. Member Nixon nominated Eric Olivas to be the Chairperson of the Personnel Subcommittee. Roll call vote taken. Motion passed. Eric Olivas was elected as the Chair of the Personnel Subcommittee by unanimous consent.

c. Designate Board Representative for PPRB and OPA

1. Designee for Policy and Procedure Review Board and Office Policy Analysis. Chair Galloway nominated Member Dr. Kass to be the Board Representative for the PPRB and OPA. There were no other nominations. Roll call vote. Motion passed. Member Dr. Kass was elected to be the Board Representative of the PPRB and OPA by unanimous consent.

d. Board's Use of Legal Counsel

1. Motion. Motion by Member Olivas to Insert the following under Board Policies and Procedures Article III, Item 10. Subsection A:

"No member other than the board Chair shall solicit the use of board contracted legal counsel without the approval of the full board in a properly noticed public meeting.

Legal counsel shall only participate in meetings of the full board.

Legal counsel may participate in subcommittee meetings if requested and authorized by the full board in a properly noticed public meeting.

The executive director shall have the authority to request legal services on behalf of the board or agency as needed."

Roll call vote taken. Motion passed.

e. Legal Contract

1. Motion. Motion by Chair Galloway to maintain Sutin, Thayer and Browne as the Board's Legal Counsel for FY21. Roll call vote taken. Motion passed.

f. Update of Policy and Procedures: Deadlines for Agenda Submissions/Attachments and Draft Agenda from Chair

1. Motion. Motion by member Olivas to add the following to the Policy and Procedures to Article III Section 2. A. (3.)

Add to end: "The chairperson shall submit the final draft of the regular meeting agenda to the Executive Director or the Directors designee on or by 3PM on the Friday of the week preceding the regularly scheduled meeting. Any member requesting to have the Chairperson place an item on the agenda shall submit their request to the Chairperson before the time the agenda is due to the executive director or at an earlier date and time as prescribed by the chairperson."

An addition to Article III Section 3. H.

add after sentence 1: "The subcommittee chair shall submit the subcommittee meeting agenda to the executive director or the director's designee by 3pm at least 4 full business days prior to the subcommittee meeting date. Any subcommittee member requesting to have the subcommittee chairperson place an item on the agenda shall submit their request to the subcommittee chairperson before the agenda is due to the agency or at an earlier date and time as prescribed by the subcommittee chairperson."

Roll call vote taken. Motion passed.

g. 2020 OMA Resolution

1. Motion. Motion by Chair Galloway to adopt the 2020 OMA Resolution as written. Roll call vote taken. Motion passed. (See attached)

h. City's Motion for Suspension of CASA Paragraphs

1. Motion. Motion by member Dr. Kass to accept the letter as drafted by CPOA, Director Harness. Roll call vote taken. Motion passed. (See attached)

2. Motion. A second motion by member Mitchell to have legal counsel participate in the hearing. Roll call vote taken. Motion passed.

i. Case Review Process Moving Forward

1. Motion. Motion by Chair Galloway to approve new Case Review Subcommittee procedures as written:

In the months of January, April, July and October, Members of the CRC will:

1. Utilize a randomizer tool to select up to 10% of investigations conducted by the agency in the previous quarter, and
2. Review the investigative file and all pertinent evidence and report to the full Board their findings at the next regularly scheduled meeting of the full Board.

The Committee will present their findings and any recommendations or concerns at the next regularly scheduled meeting of the full Board for approval of the quarterly audit or for further action deemed necessary. It is important to keep in mind that the complainants' rights remain unaltered under this proposed new functionality of CRC. Should the complainant believe that the findings in their case were in error and their reasoning fits one of the criteria for an appeal, the Board may grant that appeal. A notice of a complainant's request for an appeal will be provided by the Executive Director and relevant information uploaded to SharePoint in advance of the meeting at which the Board would vote to grant or deny the appeal. It will be the responsibility of individual Board Members to review that information and be prepared to decide at the meeting where a Request for Appeal is to be heard.

Additionally, a more thorough review of the case file and evidence, if found to have contained errors, will provide the Agency and Director the opportunity to review and revamp processes as needed.

Roll call vote taken. Motion passed.

2. Motion. Motion by Chair Galloway to take a ten-minute break. Roll call vote taken. Motion passed.

****Ten minute break began at 8:17 pm and reconvened at 8:30 pm****

VIII. Consent Agenda Cases:

a. Administratively Closed Cases

026-20	037-20	044-20	046-20	048-20
049-20	052-20	054-20	057-20	103-19
183-19	212-19	227-19		

Civilian Police Oversight Board

Minutes – April 9, 2020

Page 6

b. Unfounded

027-20	034-20	035-20	056-20	058-20
059-20	060-20	236-19		

1. Motion. Motion by Member Dr. Kass to approve all Consent Agenda Cases as presented. Roll call vote taken. Motion passed.

IX. Non-Consent Agenda:

a. Administratively Closed Cases

033-20	036-20	065-20	067-20	074-20
075-20	077-20	092-20		

1. Motion. Motion by Member Dr. Kass to approve all Non-Consent Administratively Closed Cases as presented. Roll call vote taken. Motion passed.

b. Unfounded

055-20	068-20	070-20	073-20	084-20
222-19				

1. Motion. Motion by Chair Galloway to approve all Non-Consent Unfounded Cases as presented. Roll call vote taken. Motion passed.

c. Exonerated

063-20	170-19	220-19
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1. Motion. Motion by Chair Galloway to approve all Non-Consent Exonerated Cases as presented. Roll call vote taken. Motion passed.

X. Review of Appeals:

001-20	013-20
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1. Motion. Motion by Chair Galloway to not grant an appeal for CPC 001-20. Roll call vote taken. Motion passed.

Recusal: 1 – Member Dr. Kass

2. Motion. Motion by Member Starr to not grant an appeal for CPC 013-20. Roll call vote taken. Motion passed.

XI. Other Business

a. None

XII. Adjournment- A motion was made by Chair Galloway to adjourn the meeting. The meeting adjourned at 9:06 pm.

Civilian Police Oversight Board

Minutes – April 9, 2020

Page 7

ATTACHEMENTS

DRAFT



CITY OF ALBUQUERQUE

City Council

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President Pat Davis
District 6

Vice President Diane G. Gibson
District 7

Stephanie M. Yara
Council Director

Lan Sena
District 1

Isaac Benton
District 2

Klarissa J. Peña
District 3

Brook Bassan
District 4

Cynthia D. Borrego
District 5

Trudy E. Jones
District 8

Don Harris
District 9

April 9, 2020

Madam Chair and Board Members,

At this week's City Council Meeting, the Council formally approved the appointment of Mr. Eric Nixon to CPOA Board. We welcome Mr. Nixon and thank him for his commitment to serving the Albuquerque community and we look forward to working with him.

For the last vacancy, we will be reaching out to candidates about virtual meetings and interviews, as this public health situation had us cancel meetings we had scheduled or were in the process of scheduling.

I, like many people are working from home during this time, but I am still available by email and my office phone number if you have any questions.

Thank you and stay safe,

Julian Moya
Special Projects Analyst
Albuquerque City Council Office

POLICE OVERSIGHT BOARD

**INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION
STATISTICAL DATA FOR THE MONTH OF MARCH 2020**

APD 911 Communications Center

Dispatched calls for Service for MARCH 2020:
40,383 (DECREASE from FEBRUARY (353))

INTERNAL CASES FOR THE MONTH OF MARCH 2020

Total Internal Cases Completed in the month of MARCH

9 completed cases (sent out to the area command)

1. IA Cases opened in the month of MARCH 2020: 8
 2. Pending IA Cases for the month of MARCH 2020: 8
 3. Internal Cases Mediated: 0
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN MARCH2020

1: Termination-Conduct

2: letter of Reprimand-Special Order-Conduct

EIRS FOR MARCH 2020: 3 alerts distributed (Overall and Incident type alerts)

POLICE OVERSIGHT BOARD

**INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION
STATISTICAL DATA FOR THE MONTH OF FEBRUARY 2020**

APD 911 Communications Center
Dispatched calls for Service for FEBRUARY 2020:
40,735 (DECREASE from JANUARY (1,269))

INTERNAL CASES FOR THE MONTH OF FEBRUARY 2020

Total Internal Cases Completed in the month of FEBRUARY;
Comprised of:

14 completed cases (sent out to the area command)

1. IA Cases opened in the month of FEBRUARY 2020: 6
 2. Pending IA Cases for the month of FEBRUARY 2020: 15
 3. Internal Cases Mediated: 0
-

DISCIPLINE IMPOSED FOR INTERNAL CLOSED CASES IN FEBRUARY 2020

1: Termination-Controlled Substances

2: letter of Reprimand-Conduct

1: 8 hour suspension-Conduct

EIRS FOR FEBRUARY 2020: 82 alerts distributed (Overall and Incident type alerts)

1. IAFD analyst noticed seven of the CAD calls associated with force events were "fight in progress." This seemed unusual as this CAD call has not historically been notably associated with force events. Upon researching it seemed most (five) of these events occurred in individuals' homes. Perhaps this increase in fight in progress calls being associated with force events is related to the recent stay at home order issued in New Mexico. IAFD plans to continue assessing CAD data as it related to force events.

Location	Report	day of week	time of day
residence	intoxicated man, pushed woman	Friday	22:00
gas station	domestic dispute	Sunday	17:50
Starbucks	domestic fight in public	Thursday	16:30
residence	intoxicated man, broke window of sister's apartment	Friday	23:15
residence	intoxicated man, domestic fight	Saturday	16:40
residence	no report - photos suggest domestic fight	Sunday	2:24
residence	intoxicated individuals in large "family fight" with 7-8 individuals, shots fired	Tuesday	0:50

2. Out of area force: Officers were dispatched a call in reference to a heavily intoxicated suicidal male who had not eaten in 5 days. He was transported by ambulance to Presbyterian Rust Medical Center, where he attempted to escape. The officer used a takedown in order to prevent the individual from fleeing the hospital. This resulted in a force event out of area.

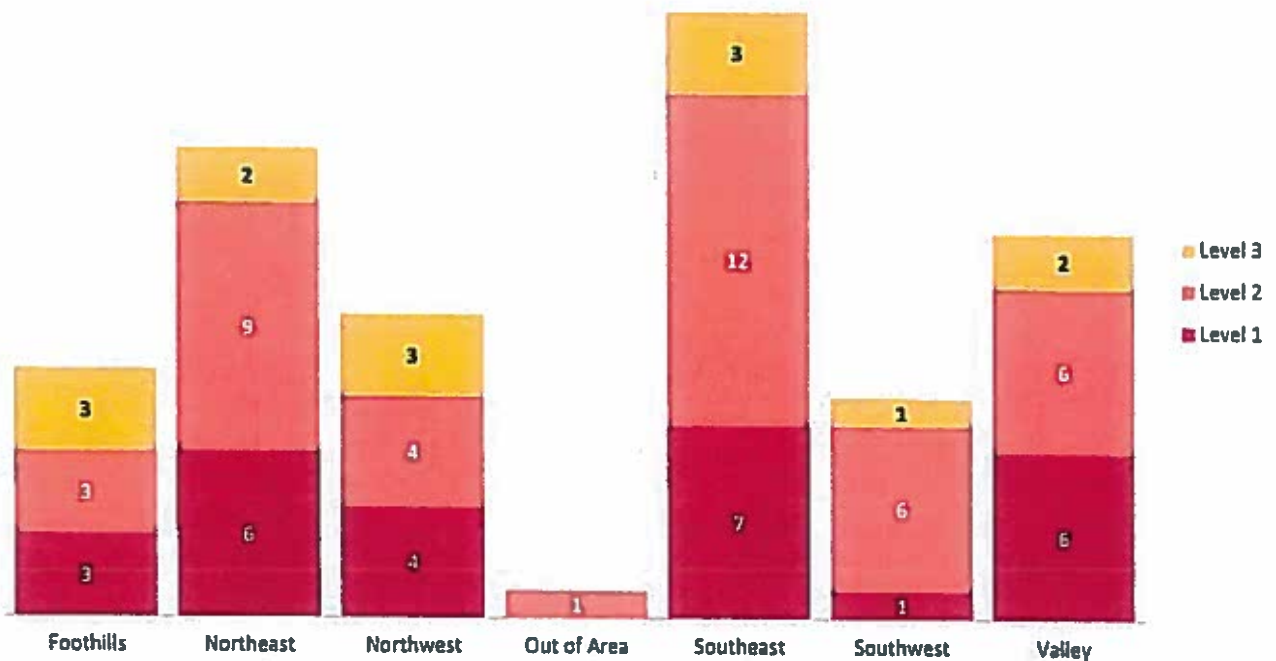
Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF MARCH 2020

INCIDENT AREA COMMAND

Area Command	Level 1	Level 2	Level 3	Grand Total
Foothills	3	3	3	9
Northeast	6	9	2	17
Northwest	4	4	3	11
Out of Area		1		1
Southeast	7	12	3	22
Southwest	1	6	1	8
Valley	6	6	2	14
Grand Total	27	41	14	82

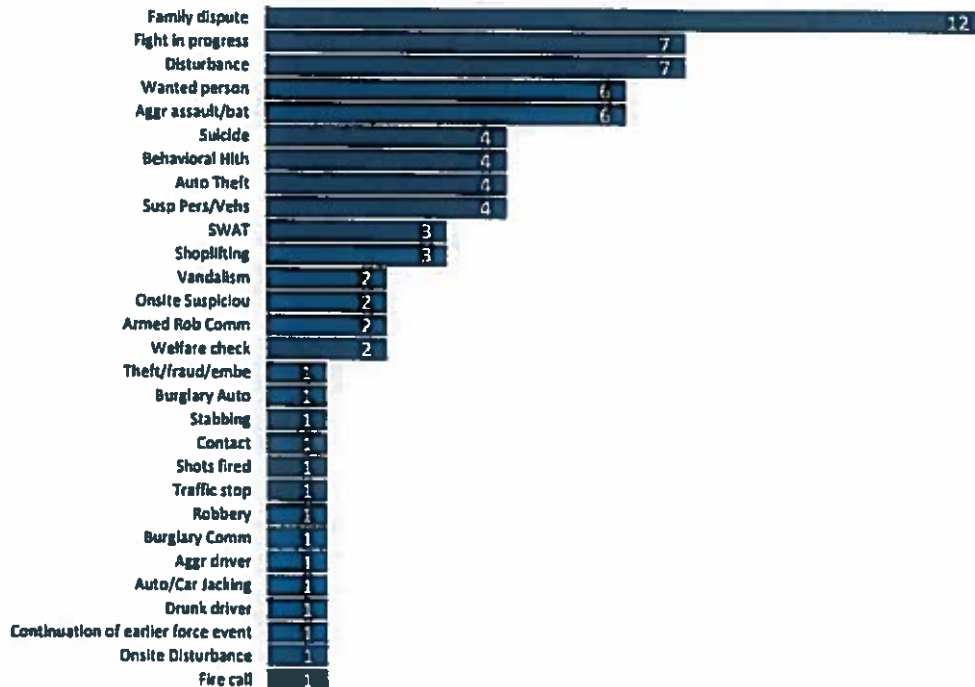
Force cases are now categorized by three levels. If a case involves multiple applications of force, it is categorized as the most serious at the case level. If one event involves both a force event and a tactical activation, the event is categorized as a force event for this report. These counts are not considered final as investigations are continuously updated.

March Force Events

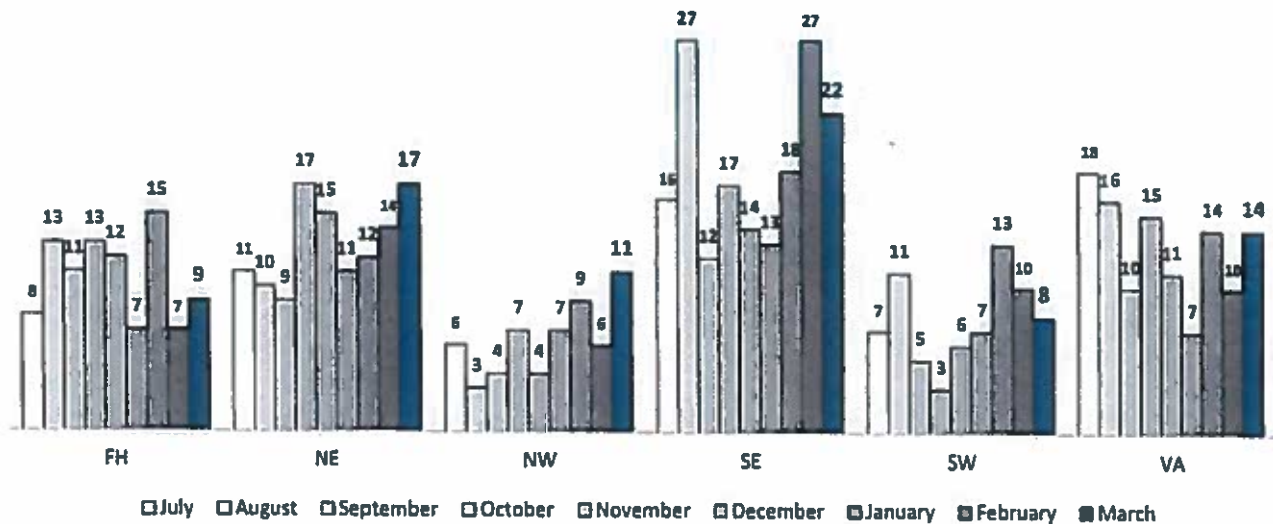


Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF MARCH 2020

Call Types Associated with Force Events: March 2020



Nine Months of Force Data



Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF FEBRUARY 2020

INCIDENT AREA COMMAND

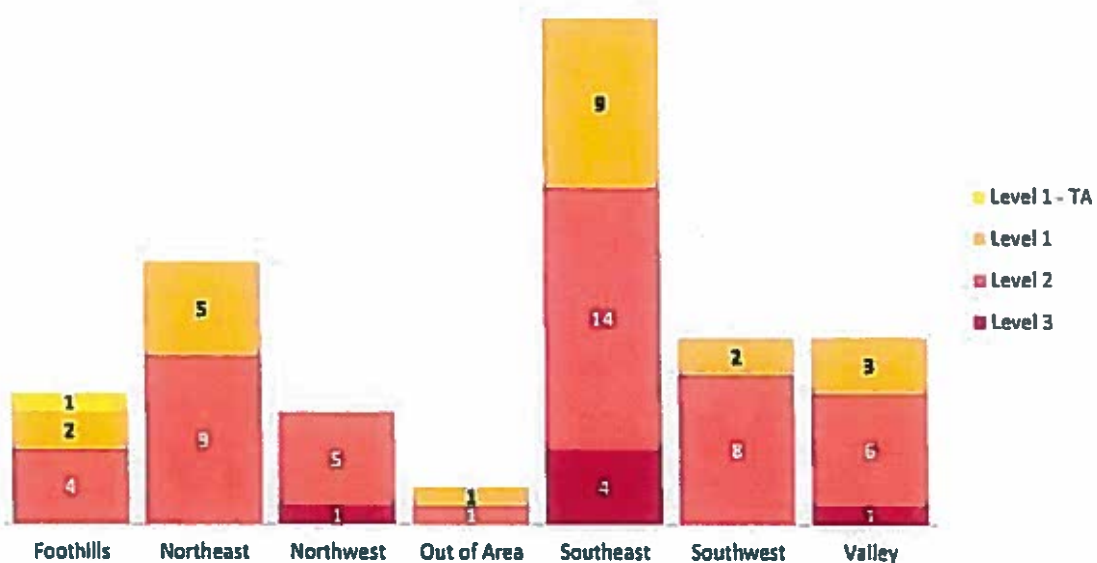
Area Command	Level 3	Level 2	Level 1	Level 1 - TA	Grand Total
Foothills		4	2	1	7
Northeast		9	5		14
Northwest	1	5			6
Out of Area		1	1		2
Southeast	4	14	9		27
Southwest		8	2		10
Valley	1	6	3		10
Grand Total	6	47	22	1	76

Force cases are now categorized by three levels. If a case involves multiple applications of force, it is categorized as the most serious at the case level. If one event involves both a force event and a tactical activation, the event is categorized as a force event for this report. These counts are not considered final as investigations are continuously updated.

The levels of force are defined as follow by the CASA:

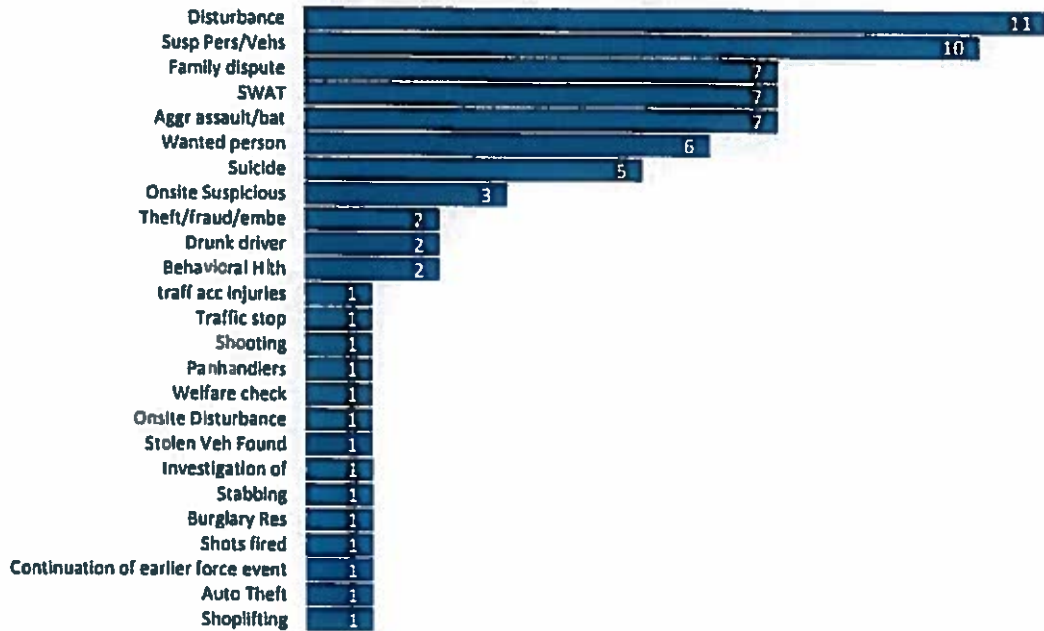
- Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance. This includes techniques which are not reasonably expected to cause injury, do not result in actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing). Pointing a firearm, beanbag shotgun, or 40 millimeter launcher at a subject, or using an ECW to "paint" a subject with the laser sight, as a show of force are reportable as Level 1 force. Level 1 force does not include interaction meant to guide, assist, or control a subject who is offering minimal resistance.
- Level 2 is force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury. Level 2 force includes use of an ECW, including where an ECW is fired at a subject but misses; use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at a subject but misses; OC Spray application; empty hand techniques (i.e., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and strikes with impact weapons, except strikes to the head, neck, or throat, which would be considered a Level 3 use of force.
- Level 3 is force that results in, or could reasonably result in, serious physical injury, hospitalization, or death. Level 3 force includes all lethal force; critical firearms discharges; all head, neck, and throat strikes with an object; neck holds; canine bites; three or more uses of an ECW on an individual during a single interaction regardless of mode or duration or an ECW application for longer than 15 seconds, whether continuous or consecutive; four or more strikes with a baton; any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and uses of force resulting in a loss of consciousness. As set forth in Paragraphs B1-B5 below, APD shall continue to participate in the Multi-Agency Task Force, pursuant to its Memorandum of Understanding, in order to conduct criminal investigations of at least the following types of force or incidents: (a) officer-involved shootings; (b) serious uses of force as defined by the Memorandum of Understanding; (c) in-custody deaths; and (d) other incidents resulting in death at the discretion of the Chief.

February Force Events and Tactical Activations

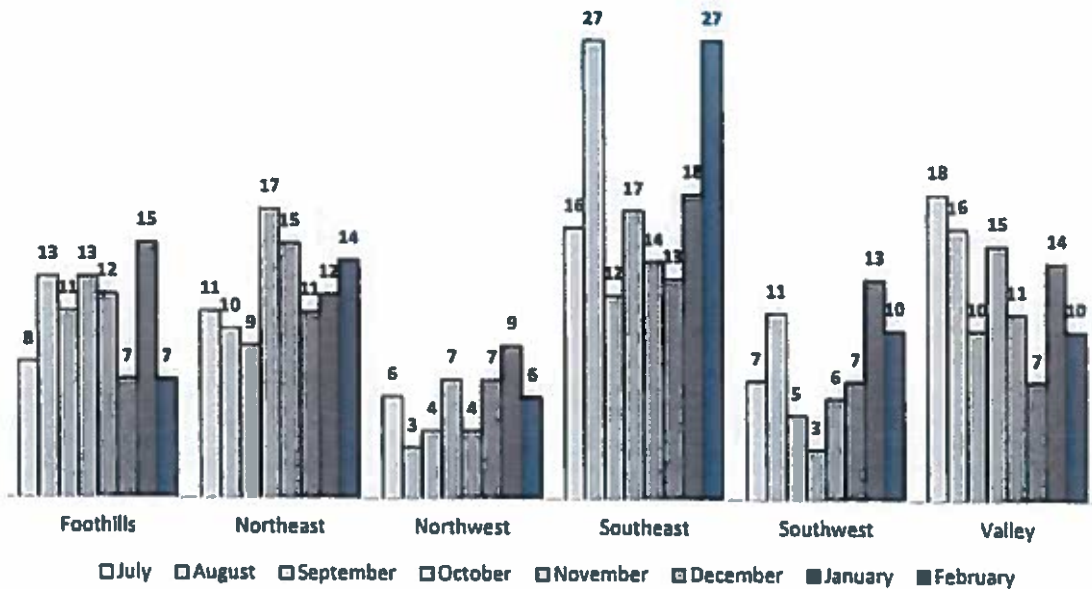


Civilian Police Oversight Agency Board
INTERNAL AFFAIRS FORCE DIVISION
STATISTICAL DATA FOR THE MONTH OF FEBRUARY 2020

Call Types Associated with Force Events: February 2020



Eight Months of Force Data



ALBUQUERQUE CIVILIAN POLICE OVERSIGHT AGENCY BOARD RESOLUTION
NO. _____

WHEREAS, the Albuquerque Civilian Police Oversight Agency Board met in regular session via videoconference on April 9, 2020 at 5:00 p.m., as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Civilian Police Oversight Agency Board to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Civilian Police Oversight Agency Board that:

1. All regular meetings shall be held in the City Council Chambers for the City of Albuquerque on the second Thursday of every month at 5:00 p.m., or as indicated in the meeting notice.
2. The agenda for regular meetings will be posted at least seventy-two hours prior to the meeting at the offices of the Civilian Police Oversight Agency and on the Civilian Police Oversight Agency's website at www.cabq.gov/cpoa.
3. Notice of regular meetings other than those described in Paragraph 2 will be given ten days in advance of the meeting date. The notice will include a copy of the agenda or information on how a copy of the agenda may be obtained. If not included in the notice, the agenda will be available at least seventy-two hours before the meeting and posted on the Civilian Police Oversight Agency's website at www.cabq.gov/cpoa.
4. Special meetings may be called by the Chairman or a majority of the members upon three days notice. The notice for a special meeting shall include an agenda for the meeting or information on how a copy of the agenda may be obtained. The agenda will be available at least seventy-two hours before the meeting and posted on the Civilian Police Oversight Agency's website at www.cabq.gov/cpoa.
5. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the

public body from substantial financial loss. The Civilian Police Oversight Agency Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members with twenty-four hours prior notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the Civilian Police Oversight Agency Board will notify the Attorney General's Office.

6. For the purposes of regular meetings, notice requirements are met if notice of the date, time, place and agenda is posted at the offices of the Civilian Police Oversight Agency and on the Civilian Police Oversight Agency's website at www.cabq.gov/cpoa.
7. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
8. For the purposes of special meetings and emergency meetings, notice requirements are met if notice of the date, time, place and agenda is posted at the offices of the Civilian Police Oversight Agency and on the Civilian Police Oversight Agency's website at www.cabq.gov/cpoa. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
9. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact

Katrina Sigala at 924-3770

at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact

Katrina Sigala at 924-3770

if a summary or other type of accessible format is needed.

10. The Civilian Police Oversight Agency Board may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

- (a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Civilian Police Oversight Agency Board taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
- (b) If a closed meeting is conducted when the Civilian Police Oversight Agency Board is not in an open meeting, the closed meeting shall not held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.
- (c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
- (d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Civilian Police Oversight Agency Board in an open public meeting.

Passed by the Civilian Police Oversight Agency Board

this 9th day of April, 2020.

CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair* *Tara Armijo-Prewitt*
Chantal M. Galloway *Doug Mitchell* *Eric Nixon*
Cathryn Starr *Leonard Waites*
Edward Harness, Executive Director

April 17, 2020
VIA EMAIL ONLY

Honorable James O. Browning
United States District Court
Pete V. Domenici United States Courthouse
333 Lomas Blvd NW, Suite 660
Albuquerque, NM 87102

Re: United States v. City of Albuquerque No. 1:14-cv-1025-JB-SMV

Dear Judge Browning:

I write this letter on behalf of the Civilian Police Oversight Agency (CPOA) and its Board. Thank you for the opportunity to address the Court on the motion.

The CPOA supports the City's position to amend the monitoring process as outlined in its motion.

We appreciate the time the City has spent in coordination with the Department of Justice, the Independent Monitoring Team (IMT), Amici, and other Stakeholders reviewing the process of self-assessment. We at the CPOA were given the opportunity to give the City feedback on the plan, some of which was incorporated into the plan filed with the Court.

This step forward is positive. However, we should approach this new phase with cautious optimism. One of the biggest factors in supporting the City's motion is that this process will continue to be under the jurisdiction of the Court, while it evolves.

Paragraph 164-168 are directly related to the CPOA, and have been in operational compliance well over two years. In the opinion of the CPOA; the Self-Assessment Plan has clearly defined objectives and data points to conduct both quantitative and qualitative analysis of Albuquerque Police Department (APD) and CPOA's performance under these paragraphs.

However, the Self-Assessment Plan fails to incorporate the CPOA in its oversight capacity. During the meetings with the Parties the City emphasized self-assessment is long term, and

to continue beyond the time of court supervision. The CPOA must be allowed to evolve in this self-assessment process while the IMT and the Court are still involved.

Again, thank you for this opportunity to express our opinion to the court.

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
(505) 924-3770

Board Committees

Personnel:

Eric Olivas, Chair
Dr. William Kass
Doug Mitchell
Eric Nixon

Policy and Procedure (PnP):

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